

U.S. Patent Application No. 09/880,654  
Amendment F (After Final)  
July 18, 2005

### Remarks

Applicants request re-consideration of the above-referenced patent application.

#### **I. Amendments to Claims**

This Amendment F cancels claims 1-5 and 11, and adds new claims 17-19. Thus, claims 6-10 and 16-19 are pending. All pending claims, including the amendments, are shown in the previous section.

Applicants submit that the amendments do not introduce new matter, and are permissible under MPEP §2163.07. Specifically:

Claim 6 has been amended to depend from claim 16 rather than from canceled claim 5 and to delete the subject matter directed to the binding and fluorescent radicals.

Claim 7 has been amended to depend from claim 16 rather than from canceled claim 1.

Claims 7-9 have been amended to be more consistent with claim 16 (*i.e.*, the claim from which they depend).

Claim 10 has been amended to be an independent claim and to incorporate the subject matter from claim 2 (*i.e.*, the claim from which claim 10 depends).

New claims 17-19 depend (directly or indirectly) from claim 10 and correspond to originally-filed claims 7-9.

Applicants reserve the right to pursue any canceled and/or unclaimed subject matter in one or more later-filed divisional and/or continuation applications.

#### **II. Response to the rejection of claims 1-9 and 11 under 35 U.S.C. §103(a)**

The Office action rejects claims 1-9 and 11 under 35 U.S.C. §103(a) for being obvious over Heath et al. (U.S. Patent No. 5,235,039), Bromberg (U.S. Patent No. 4,203,670), and Maeda (ANAL. BIOCHEM. 92:222-227 (1979)) in view of Welch et al. (PROC. NATL. ACAD. SCI., 88:10792-10796 (1991)) or Blakeslee et al. (J. IMMUNOL. METHODS, 13(3-4):305-320 (1976)). Claims 1-6 and 11 have been canceled, thus mooted the rejection as to those claims. As to claims 7-9, Applicants request withdrawal of the rejection. As discussed above, Applicants have amended claims 7-9 to depend (directly or indirectly) from claim 16. According to the Office action, claim 16 is allowable. Thus, claims 7-9 should be allowable as well.

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**III. Response to the objection to claim 10**


The Office action objects to claim 10 for depending from rejected claim 2. Applicants request withdrawal of the objection. As discussed above, Applicants have amended claim 10 to be an independent claim and to incorporate the subject matter from claim 2.

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Applicants believe that they do not owe any fees in connection with this response. If, however, Applicants do owe any fees, the Commissioner is hereby authorized to charge those fees to Deposit Account No. 08-0750. In addition, If there is ever any other fee deficiency or overpayment under 37 C.F.R. §§1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. 08-0750.

Applicants submit that the pending claims are in condition for allowance, and request that this application be allowed. Applicants request that the Examiner call the undersigned if any issues arise that can be addressed over the phone to expedite examination of this application.

Respectfully submitted,



Lydia N. Nenow, PTO Reg. No. 52,530  
Harness, Dickey & Pierce, PLC  
7700 Bonhomme, Suite 400  
St. Louis, MO 63105  
(314) 726-7500 (tel)  
(314) 726-7501 (fax)

**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence is being facsimile transmitted to facsimile number 1-571-273-8300 addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on July 18, 2005.



Lydia N. Nenow, PTO Reg. No. 52,530